

AUG 10 2006

In re Moser et al.  
U.S. Patent Application No. 10/075,065

**REMARKS**

Claims 1-20 are currently pending in the present application. Claims 1-20 stand rejected. Reconsideration of claims 1-20 in light of the following remarks.

**Claim Rejections Under 35 U.S.C. § 103(a)**

The Examiner has rejected claims 1, 3-5, 8-12, 14, 16-17, and 19-20 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,836,529 to Gibbs. Applicants respectfully traverse the rejection in light of the claims as amended, and for the reasons that follow.

Claim 1 is directed to a method for inspecting rail equipment and storing information relating to the inspection. Among other limitations, claim 1 requires providing a plurality of dispositions for the rail equipment wherein at least one of the dispositions comprises repairing the rail equipment using a mobile repair unit and automatically assigning, via the data entry system, one of the plurality of dispositions to the rail equipment based on the overall damage condition of the rail equipment. As correctly noted by the Examiner, Gibbs fails to show the steps of "providing a plurality of dispositions" and assigning one of the plurality of dispositions to the rail equipment "based on the overall damage condition of the rail equipment." See Office Action dated December 12, 2005, Pg. 3.

However, the Examiner maintains that it would have been obvious to provide a plurality of dispositions and assign one of the plurality of dispositions to the rail equipment based on the overall damage condition of the rail equipment because:

[a]ny user made selections or assignments given to different railcars and repair dispositions (As taught in Gibbs, also stated in applicant's AF response 4/14/06) reads on the claimed limitation of "providing plurality of dispositions and assigning one of the plurality of dispositions." Continuation Sheet of Advisory Action, dated July 6, 2006.

Moreover, the Examiner states:

There's no indication in the claimed limitation that the assignment is dynamic or automatic or related to "overall cost calculation" presented in the specification. The claimed language is broad enough to be interpreted by Gibbs.

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Applicants respectfully submit that the amendments to claims 1 and 12 overcome the rejections thereto. Specifically, Applicants have amended claim 1 to define:

automatically assigning, via the data entry system, one of the plurality of dispositions to the rail equipment based on the overall damage condition of the rail equipment.

Moreover, claim 12 has been amended to define that the data entry system comprises "means for automatically assigning a disposition from a plurality of dispositions based on the overall damage condition of the rail equipment."

These features are nowhere described in Gibbs, taken alone or in combination with any other reference.

Gibbs discloses a transportation network management system that generates various outputs, such as graphical displays showing the location of rail equipment, including terminals and rail cars on a map and reports displaying a variety of information relating to rail equipment. One type of report that can be displayed is a train report 414 having information regarding a rail car. *See* Gibbs, Col. 15, lns. 60 – Col. 17, lns. 13. Although the train report can include damage information such as quality inspection and mechanical failure codes, the reported damage information is simply a recitation of damage information inputted in the system by a user. *See* Gibbs, Col. 15, lns. 48-49. Gibbs does not disclose, teach, or suggest providing a plurality of dispositions for the rail equipment and automatically assigning a disposition to the rail equipment based on the overall damage condition of the rail equipment, wherein the automatic assigning is accomplished by the data entry system. In fact, Gibbs does not even suggest that repair information can be determined and provided in the train report 414. Rather, Gibbs only discloses that damage condition information is recited.

Conversely, claim 1 requires the steps of providing a plurality of dispositions for the rail equipment and automatically assigning one of the plurality of dispositions to the rail equipment based on the overall damage condition of the rail equipment, wherein said automatic assigning is accomplished by the data entry system. As noted in the specification, a user enters information, such as damage to the rail car, and the generic information relating to each type of railcar, into the data entry system via step 34. After the information has been entered, the system

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automatically determines the type of repair disposition that should take place, such as whether the railcar should be shopped, whether a mobile repair unit should be dispatched, or whether the railcar can be sent directly to the customer. The system automatically determines the type of repair disposition that should take place based on the overall damage condition of the rail equipment. Based on this determination, the system generates a "Repair Disposition" report assigning the determined type of repair disposition that should take place. *See* Application, Pg. 9, lns. 1-24.

Gibbs does not disclose, teach, or suggest a system that automatically determines the type of repair disposition that should take place based on the overall damage condition of the rail equipment. Logically, Gibbs does not disclose, teach, or suggest a system that generates a "Repair Disposition" report, based on the determination, and automatically assigning the determined type of repair disposition that should take place. As a result, there is no motivation to modify claim 1 as suggested by the Examiner, and claim 1 is not obvious in view of Gibbs.

As a result, Applicants respectfully submit that Claim 1 is patentable over Gibbs. Additionally, claims 3-5 and 8-11 depend on claim 1, and include all of its limitations. Therefore, Applicants respectfully submit that claims 3-5 and 8-11 are also patentable over Gibbs.

Similarly, Applicants respectfully submit that claim 12 is patentable over Gibbs. Claim 12 is directed to a data entry system for inputting information related to an inspection of rail equipment wherein the rail equipment comprises a plurality of parts. Among other limitations, claim 12 requires "means for automatically assigning a disposition from a plurality of dispositions based on the overall damage condition of the rail equipment wherein at least one of the plurality of dispositions comprises assigning a mobile repair unit to repair damage to the rail equipment." As correctly noted by the Examiner, Gibbs fails to disclose this limitation. *See* Office Action dated December 12, 2005, Pg. 3.

As noted with respect to claim 1, Gibbs discloses a transportation network management system that generates various reports, including a train report 414 having information regarding a rail car. *See* Gibbs, Col. 15, lns. 60 – Col. 17, lns. 13. The train report 414 includes a recitation of damage information, such as quality inspection and mechanical failure codes, that is inputted

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in the system by a user. *See* Gibbs, Col. 15, lns. 48-49. Gibbs does not disclose, teach, or suggest a means for automatically assigning a disposition from a plurality of dispositions based on the overall damage condition of the rail equipment wherein at least one of the plurality of dispositions comprises assigning a mobile repair unit to repair damage to the rail equipment. Indeed, Gibbs does not even suggest that repair information can be determined and provided in the train report 414. Rather, Gibbs only discloses that damage condition information is recited. Therefore, Applicants submit that there is no motivation to modify claim 12 as suggested by the Examiner, and claim 12 is not obvious in view of Gibbs.

As a result, Applicants respectfully submit that Claim 12 is patentable over Gibbs. Additionally, claims 14, 16-17, and 19-20 depend on claim 12, and include all of its limitations. Therefore, Applicants respectfully submit that claims 14, 16-17, and 19-20 are also patentable over Gibbs.

The Examiner has also rejected claims 2, 6-7, 13, 15, and 18 under 35 U.S.C. § 103(a) as being unpatentable over Gibbs in view of U.S. Patent No. 6,345,257 to Jarrett. Applicants respectfully traverse the rejection.

As noted above, Applicant's submit that independent claims 1 and 12 are patentable over Gibbs. Claims 2-6, 13, 15, and 18 depend on either claims 1 or 12, and include all the limitations of their respective independent claims. Therefore, Applicants respectfully submit that claims 2-6, 13, 15, and 18 are patentable for the same reasons that claims 1 and 12 are patentable, and request allowance of the same.


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**CONCLUSION**

In view of the foregoing remarks, Applicants respectfully submit that all of the currently pending claims are in allowable form and that the application is in condition for allowance. Reconsideration and reexamination of the pending claims is requested. If for any reason the Examiner is unable to allow the application and feels that an interview would be helpful to resolve any remaining issues, the Examiner is respectfully requested to contact the undersigned attorney at (312) 372-2000.

Respectfully submitted,

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CH109 4667652-1.047440.0044